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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Case No. 08-35653-KRH
Chapter 11

Alfred H. Siegel, Trustee,

Objector,

v.

Contested Matter

Chase Bank USA, National Association
(Claim No. 14787),

Claimant.

MOTION FOR EXPEDITED HEARING

Chase Bank USA, National Association (“Chase”), by counsel, hereby moves this Court for entry of an order scheduling an expedited hearing on *Chase Bank USA, National Association’s Motion for Protective Order and to Direct the Application of F.R.C.P. 12(c) to this Contested Matter and Memorandum in Support Thereof* (the “Motion for Protective Order”) filed contemporaneously herewith. In support of this motion, Chase respectfully states as follows:

1. On November 10, 2008, Circuit City Stores, Inc. and its related entities (the “Debtors”) filed a voluntary petition with the United States Bankruptcy Court for the Eastern District of Virginia (the “Court”) for relief under chapter 11 of title 11 of the United States Code.

2. On January 7, 2010, Chase filed an amended proof of claim ("Claim No. 14787") asserting a general unsecured claim in the amount of \$33,789,082.00. On April 24, 2012, Alfred H. Siegel, the duly appointed trustee for The Circuit City Stores, Inc. Liquidating Trust (the "Trustee"), filed his *Objection of the Circuit City Stores, Inc. Liquidating Trust to Claim No. 14787* [Docket No. 11868] seeking to disallow Claim No. 14787 in its entirety and for all purposes (the "Claim Objection").

3. The Claim Objection has been set for trial starting August 18, 2014 and discovery has been served by the Trustee on Chase. In connection with the Motion for Protective Order, Chase is asking for, among other things, a protective order staying discovery in this case until such time as the Court has had an opportunity to rule on a motion requesting a judgment on the pleadings (the "Motion for Judgment on the Pleadings"), which will be filed shortly hereafter.

4. In accordance with the *Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures* [Docket No. 130] (the "Administrative Procedures Order"), the Debtors, and now the Trustee, are authorized to set omnibus hearing dates on which all matters requiring a hearing must be set. Pursuant to the *Notice of Additional Omnibus Hearing Dates* filed July 12, 2013 [Docket No. 13064], the next available omnibus hearing date is December 17, 2013 at 2:00 p.m.

5. The Administrative Procedures Order also authorizes parties to request hearings on an expedited basis.

6. An expedited hearing is needed in order to reduce the length of time for which (i) a stay of discovery is imposed in the event the Motion for Protective Order is granted and (ii) responses are not made to the Trustee's pending discovery in the event the Motion for Protective

Order is not granted.¹ If the parties are required to wait until the next omnibus hearing date, a delay may arise in addressing the matters related to the Motion for Judgment on the Pleadings and discovery will be delayed longer than is necessary. The Movant is, therefore, requesting an expedited hearing be scheduled for December 4, 2013 at 3:00 p.m.

7. Notice of this motion is being given to all necessary parties. Pursuant to Local Bankruptcy Rule 9013-1(G), because there are no novel issues of law presented in this motion, Chase requests that the requirement that all motions be accompanied by a written memorandum of law be waived.

8. No prior request for the relief sought herein has been made to this Court by Chase.

WHEREFORE, the Movant respectfully requests the entry of an order, substantially in the form attached hereto as Exhibit A, scheduling an expedited hearing and shortening the notice period for the Motion for Protective Order and granting such other relief as is just and proper.

Dated: November 21, 2013

By: /s/ Michael A. Condyles
Michael A. Condyles, Esq. (Va. Bar No. 27807)
Jeremy S. Williams, Esq. (Va. Bar No. 77469)
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-and-

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(212) 310-8000

Attorneys for Chase Bank USA, National Association

¹ Responses are currently due on November 25, 2013 to the Trustee's pending discovery.

CERTIFICATION

Pursuant to the Local Rules of this Court, I certify that:

1. I am a member of the Bar of this Court.
2. I have carefully examined this matter and have concluded that there is a true need
for an emergency hearing.
3. I have not created the emergency through the lack of diligence.
4. A *bona fide* effort to resolve the matter could not be made without a hearing.

/s/ Michael A. Condyles
Counsel

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on November 21, 2013, a true and exact copy of the foregoing was served via CM/ECF or first class mail, postage prepaid, as follows:

Jeremy V. Richards, Esq.
Ellen M. Bender, Esq.
Pachulski Stang Ziehl & Jones LLP
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Lynn L. Tavenner, Esq.
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Richmond, VA 23219

/s/ Michael A. Condyles
Counsel

EXHIBIT A

KUTAK ROCK LLP

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ORDER SCHEDULING HEARING ON EXPEDITED BASIS

THIS MATTER comes before the Court upon the *Motion for Expedited Hearing* (the “Motion”) filed by Chase Bank USA, National Association (“Chase”) by counsel, to schedule an expedited hearing for *Chase Bank USA, National Association’s Motion for Protective Order and to Direct the Application of F.R.C.P. 12(c) to this Contested Matter and Memorandum in Support Thereof* (the “Motion for Protective Order”); it further appearing that good cause exists as set forth in the Motion, it is **ORDERED, ADJUDGED AND DECREED** that:

1. The Motion is hereby granted.

2. The Motion for Protective Order shall be heard on an expedited basis on December 4, 2013 at 3:00 p.m.; and

3. Objections to the Motion for Protective Order shall be filed on or before December 3, 2013 at 5:00 p.m.

ENTERED: _____

UNITED STATES BANKRUPTCY COURT JUDGE

Order submitted by:

/s/ _____

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